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UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

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CLERK US DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

REPUBLIC OF TEXAS BIKER §  
RALLY, INC., §  
Plaintiff, §  
VS. §  
BIKINIS BAR & GRILL, LLC, §  
ET AL., §  
Defendants. §

BY 01  
DEPUTY

CIVIL NO. 1:10-cv-00697

**FINAL CONSENT JUDGMENT  
AND STIPULATED PERMANENT INJUNCTION**

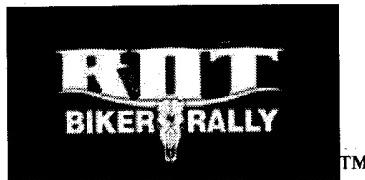
The parties have entered into a Settlement Agreement and Release in which, among other things, Plaintiff Republic of Texas Biker Rally, Inc. ("Republic"), on the one hand, and the Defendants identified below, on the other, have resolved and mutually released claims for monetary remedies, but have agreed to the entry of this Final Consent Judgment and Stipulated Permanent Injunction ("Final Judgment"), including the injunctive relief against the Defendants as set forth below.

In accordance with the stipulations of the parties and for the purposes of settlement and the entry and enforcement of this Judgment, the Defendants (without admission of liability) do not contest the Court's entry of the following findings.

Accordingly, it is FOUND that:

- (1) This Court has jurisdiction over the parties and the subject matter of this action and venue is proper in this District.

(2) Plaintiff Republic of Texas Biker Rally, Inc. ("Republic") is the owner of the trademarks and service marks *ROT RALLY®*; *R.O.T. BIKER RALLY®*; *ROT BIKER RALLY®*; *R.O.T. BIKER RALLY®*; and *REPUBLIC OF TEXAS BIKER RALLY®*) and the federal trademark registrations thereon (collectively, "Republic's Registered Marks") and all associated goodwill. Republic is also the owner of the common law trademarks and service marks *R.O.T.™*, *ROT™*, and the ROT Cow Skull Logo & Design (pictured immediately below) and all associated goodwill.



(3) By virtue of Republic's long, continuous and exclusive use of Republic's Registered Marks and of the *R.O.T.™*, *ROT™*, and the ROT Cow Skull Logo & Design marks and by virtue of Republic's extensive marketing efforts associated therewith, each of Republic's Registered Marks and the *R.O.T.™*, *ROT™*, and ROT Cow Skull Logo & Design marks are famous within the meaning of 15 U.S.C. 1125(c) and have become distinctive of Republic's goods and services

(4) Each of Republic's Registered Marks and each of Republic's Common Law Marks is distinctive, valid and enforceable and all of such marks are protectable as trademarks of Republic.

(5) Republic has not authorized any Defendant's use of Republic's Marks identified in Republic's Second Amended Complaint, which results in a likelihood of confusion and the risk of irreparable injury to Republic.

Accordingly, it is ORDERED that the Defendants are PERMANENTLY ENJOINED AND RESTRAINED from:

- (1) using (or holding themselves out as having rights to use), displaying or referring to any of Republic's Marks (as defined herein) in connection with the manufacture, sale or distribution of products or goods of any kind, or in connection with the advertising, promotion, marketing or delivery of services (including via e-commerce on the Internet) of any kind or assisting any others with such acts;
- (2) claiming or representing that any products or services marketed or sold by Defendants are made directly by Republic or its authorized licensees or that Republic has authorized, approved or licensed the use by Defendants of any of Republic's Marks for or in association with any of Defendants' products or services;

"Republic's Marks," as used herein, refers to: (a) Republic's federally registered trademarks or service marks (*ROT RALLY®; R.O.T. BIKER RALLY®; ROT BIKER RALLY®; R.O.T. BIKER RALLY®; and REPUBLIC OF TEXAS BIKER RALLY®*) ("Republic's Registered Marks") in any typographic or stylistic font or format; (b) the unregistered common law marks and logos Republic uses in connection with its motorcycle rally and related business and merchandising operations, copies of which are attached hereto as Exhibit 1 and shown on Page 23 of Republic's Second Amended Complaint ("Republic's Common Law Marks"); and (c) any simulation or colorable imitation of Republic's Registered Marks or Republic's Common Law Marks.

"Defendants," as used herein, refers to the following entities and individuals (and all of their authorized agents): Bikinis Bar & Grill, LLC (now known as BSBG, LLC);

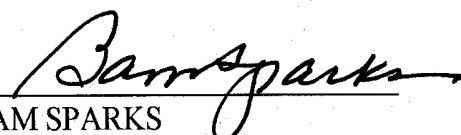
Bikinis Bar & Grill—Austin, LLC (now known as Bikinis Sports Bar & Grill—Austin, LLC); Bikinis Sports Bar & Grill 6th Street, LLC; Bikinis Sports Bar & Grill Franchising, LLC; Bikinis Promotions, LLC; Bikinis Real Estate, LLC; Bikinis Sports Bar & Grill—Arlington, LLC; Bikinis Sports Bar & Grill—Live Oak, LLC; Bikinis Sports Bar & Grill—San Antonio, LLC; Bikinis Sports Bar & Grill—San Marcos, LLC; The Parish—6th Street, LLC; Bikinis Sports Bar & Grill—Charlotte, LLC; Doug Guller; Kevin Pearson; David Voorhees; Paul Manfre; Dizzy Tee Designs, Inc.; Tom Marek dba Minuteman Press of Austin; and Brenda Manning Alvarez dba Soul to Soul Promotions or Soul to Soul Entertainment.

This Final Judgment is not intended to prohibit conduct (a) that is subsequently permitted or authorized pursuant to any valid license Republic may grant to any Defendant after the entry hereof, or (b) that is expressly permitted by the terms of the parties' Settlement Agreement and Release.

The Court retains exclusive and continuing jurisdiction over the parties for the purpose of enforcement of the terms of the Settlement Agreement and Release and this Final Judgment.

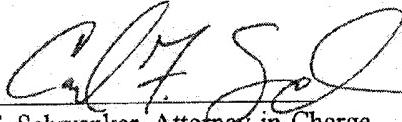
All relief not granted herein is denied; and each party shall bear its own costs, disbursements and attorneys' fees.

SIGNED this 8<sup>th</sup> day of July 2011.

  
SAM SPARKS  
UNITED STATES DISTRICT JUDGE

CONSENT TO ENTRY

The parties hereby consent to the terms of this Final Consent Judgment and Permanent Injunction as set forth herein and consent to entry hereof.

By: 

Carl F. Schwenker, Attorney-in-Charge

Texas Bar No. 007883374

**LAW OFFICES OF CARL F. SCHWENKER**

1621 West Sixth Street

Austin, Texas 78703

Tel. (512) 480-8427

Fax (512) 857-1274

**ATTORNEYS FOR PLAINTIFF  
REPUBLIC OF TEXAS BIKER RALLY, INC.**

By: 

Paul D. Schoonover

State Bar No. 17806500

[paul@klbf.com](mailto:paul@klbf.com)

Stephen L. Baskind

State Bar No. 01875600

[sbaskind@klbf.com](mailto:sbaskind@klbf.com)

**KLEIMAN LAWRENCE BASKIND FITZGERALD, LLP**

8350 N. Central Expressway, Suite 650

Dallas, Texas 75206

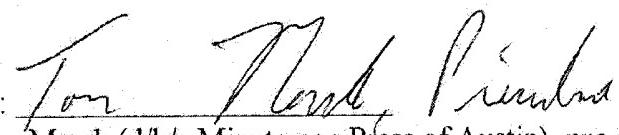
(214) 712-4470

(214) 265-7411 (fax)

**ATTORNEYS FOR BIKINIS DEFENDANTS<sup>1</sup>**

<sup>1</sup> Defendants Bikinis Bar & Grill, LLC (now known as BSBG, LLC); Bikinis Bar & Grill—Austin, LLC (now known as Bikinis Sports Bar & Grill—Austin, LLC); Bikinis Sports Bar & Grill 6th Street, LLC; Bikinis Sports Bar & Grill Franchising, LLC; Bikinis Promotions, LLC; Bikinis Real Estate, LLC; Bikinis Sports Bar & Grill—Arlington, LLC; Bikinis Sports Bar & Grill—Live Oak, LLC; Bikinis Sports Bar & Grill—San Antonio, LLC; Bikinis Sports Bar & Grill—San Marcos, LLC; The Parish—6th Street, LLC; Bikinis Sports Bar & Grill—Charlotte, LLC; Doug Guller, Kevin Pearson; David Voorhees; and Paul Manfre.

CONSENT TO ENTRY (continued)

By:   
Tom Marek (d/b/a Minuteman Press of Austin), *pro se*

By: \_\_\_\_\_  
Sidney Levine, Attorney at Law  
State Bar No. 12258000  
sealylaw@sbcglobal.net  
P O Box 592  
110 Main Street, Suite 201  
Sealy, Texas 77474  
(979) 885-2989  
(713) 495-9040

**ATTORNEY FOR DIZZY TEE DESIGNS, INC.**

By: \_\_\_\_\_  
Brenda Manning Alvarez, *pro se*

CONSENT TO ENTRY (continued)

By: \_\_\_\_\_  
Tom Marek (d/b/a Minuteman Press of Austin), *pro se*



By: \_\_\_\_\_  
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State Bar No. 12258000  
sealylaw@sbcglobal.net  
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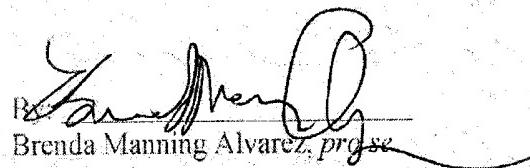
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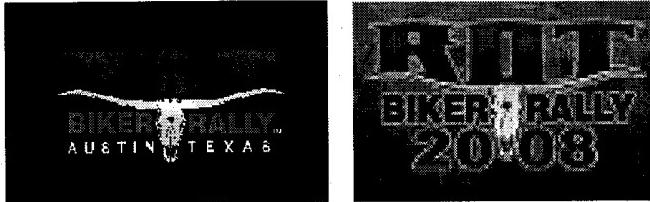
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sealylaw@sbcglobal.net  
P O Box 592  
110 Main Street, Suite 201  
Sealy, Texas 77474  
(979) 885-2989  
(713) 495-9040

ATTORNEY FOR DIZZY TEE DESIGNS, INC.

  
Brenda Manning Alvarez, *pro se*

## Exhibit 1

Logo Name	Graphic or Word Mark for REPUBLIC'S COMMON LAW MARKS
ROT Cow Skull Logo w/"ROT Biker Rally" (examples 1 and 2)	
ROT Cow Skull Logo w/"ROT Biker Rally" (examples 3 and 4)	
Winged Skull Motor Logo (example 1)  w/ "ROT" (example 1)	
"ROT" (examples 2 and 3)  "ROT Biker Rally" (example 5)	
"R.O.T." (examples 1 – 3)	